



STATUTORY INSTRUMENTS.

S.I. No. 353 of 2019



RESIDENTIAL TENANCIES ACT 2004 (PRESCRIBED FORM) (NO. 2)
REGULATIONS 2019

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The Minister for Housing, Planning and Local Government, in exercise of the powers conferred on him by section 8 of the Residential Tenancies Act 2004 (No. 27 of 2004) (as adapted by the Housing, Planning, Community and Local Government (Alteration of Name of Department and Title of Minister) Order 2017 (S.I. No. 358 of 2017)), hereby makes the following regulations:

1. These Regulations may be cited as the Residential Tenancies Act 2004 (Prescribed Form)(No. 2) Regulations 2019.
2. These Regulations come into operation on 15 July 2019.
3. The Residential Tenancies Act 2004 (Prescribed Form) Regulations 2019 (S.I. No. 287 of 2019) are amended by substituting for Schedule 2 the Schedule set out in the Schedule to these Regulations.



GIVEN under my Official Seal of the Minister for Housing,
Planning and Local Government,
12 July, 2019.

MARY HURLEY,

A person authorised under section 15 of the Ministers and
Secretaries Act 1924 to authenticate the seal of the Minister
for Housing, Planning and Local Government.

SCHEDULE

SCHEDULE 2

Regulation 4

Notice to be served to the Residential Tenancies Board (RTB) under section 19(5B) of the Residential Tenancies Act 2004 where a landlord seeks to rely on an exemption from the Rent Pressure Zone (RPZ) annual rent increase restriction

(Exemption from RPZ formula)

To the RTB,

1. I, **[insert name of landlord]**, confirm that:

(a) a new rent has been set under the tenancy of the dwelling at

[insert dwelling address] .

(b) The amount of the new rent is € **[state amount of the new rent]**.

(c) The new rent shall have effect from **[insert start date from which the new rent is to have effect]**.

(d) The previous rent applicable to this dwelling was € **[insert previous rent amount]** with effect from **[insert date the previous rent came into effect]**.

Tick box where (d) above is **not applicable** because the dwelling concerned has not been rented previously.

(e) I seek to rely on section 19(5) of the Residential Tenancies Act 2004 which, in my opinion, dis-applies the RPZ annual rent increase restriction in respect of the dwelling concerned for the reason(s) ticked below and in accordance with the supporting information that I provide with this notice to the RTB.

Reason(s) for dis-application of RPZ annual rent increase restriction in respect of the dwelling concerned

[Select one or more of the following, as appropriate]

(Tick the relevant box(es))

Exemption 1

*An exemption under section 19(5)(a) of the Residential Tenancies Act 2004 applies to this **first rent setting** under the tenancy of the dwelling concerned because:*

- no tenancy existed in respect of the dwelling concerned during the 2 years immediately prior to this current tenancy commencing;*
- no tenancy existed in respect of the dwelling concerned, which is, or is in, a protected structure or proposed protected structure within the meaning of the Planning and Development Act 2000, during the 12 months immediately prior to this current tenancy commencing.*

OR

Exemption 2

*An exemption under section 19(5)(b) of the Residential Tenancies Act 2004 applies to this **rent review** under the tenancy of the dwelling concerned because in the period since the rent was last set under a tenancy for this dwelling, the following works have been carried out to the dwelling resulting in a substantial change in the nature of the accommodation and that change has increased the letting value of the dwelling.*

Type of Works to effect a Substantial Change to the dwelling concerned

Where Exemption 2 has been selected, you must provide the following detail by ticking the relevant box(es):

The works carried out to the dwelling concerned:

- Consist of a permanent extension** to the dwelling that increases the floor area (within the meaning of Article 6 of the Building Regulations 1997 (S.I. No. 497 of 1997)) of the dwelling by an amount equal to **not less than 25% of the floor area** (within such meaning) of the dwelling as it stood immediately before the commencement of those works.

OR

- In the case of a dwelling to which the European Union (Energy Performance of Buildings) Regulations 2012 (S.I. No. 243 of 2012) apply, result in the BER (within the meaning of those Regulations) being **improved by not less than 7 building energy ratings.**

OR

result in any 3 or more of the following:

- The internal layout of the dwelling being permanently altered;
- The dwelling being adapted to provide for access and use by a person with a disability, within the meaning of the Disability Act 2005;
- A permanent increase in the number of rooms in the dwelling;
- In the case of a dwelling to which the European Union (Energy Performance of Buildings) Regulations 2012 (S.I. No. 243 of 2012) apply and that has a BER of D1 or lower, the BER (within the meaning of those Regulations) being improved by **not less than 3 building energy ratings**; or
- In the case of a dwelling to which the European Union (Energy Performance of Buildings) Regulations 2012 (S.I. No. 243 of 2012) apply and that has a BER of C3 or higher, the BER (within the meaning of those Regulations) being **improved by not less than 2 building energy ratings**.

I, **[insert name of landlord]** confirm that the works identified by the box(es) ticked above under Exemption 2 do not solely consist of works carried out for the purposes of compliance with section 12(1)(b) of the Residential Tenancies Act 2004 – see Important Note below.

Important Note

Section 12(1)(b) of the Residential Tenancies Act 2004 obliges a landlord to maintain the dwelling concerned in good repair to meet the statutorily required minimum standards for rental properties prescribed under S.I. No. 137 of 2019 at the following link:

<http://www.irishstatutebook.ie/eli/2019/si/137/made/en/print>

This notice and all relevant supporting documentation should be served on the RTB within 1 month from the setting of the rent under tenancy of the dwelling.

Please note that any relevant rent review notice under section 22 of the Residential Tenancies Act 2004 should accompany this notice, as supporting documentation. Please see the RTB website for further information in relation to rent reviews in RPZs and relevant supporting documentation - www.rtb.ie.

A person guilty of an offence under the Residential Tenancies Act 2004 shall, in accordance with section 9 of that Act, be liable on summary conviction to a Class B fine (currently, valued to a maximum of €4,000 under the Fines Act 2010) or imprisonment for a term not exceeding 6 months or both.

If the contravention in respect of which a person is convicted of an offence under that Act is continued after the conviction, the person is guilty of a further offence on every day on which the contravention continues and for each such offence the person shall be liable on summary conviction to a Class E fine (currently, valued to a maximum of €500 under the Fines Act 2010).

A person who fails to comply with the annual rent increase restriction in RPZs provided for under section 19(4) of the Residential Tenancies Act 2004 (where the restriction applies to the dwelling concerned) shall be guilty of an offence.

A person, who in purported compliance with section 19(5B) of the Residential Tenancies Act 2004, furnishes information to the RTB which is false or misleading in a material respect knowing to be so false or misleading or being reckless as to whether it is so false or misleading shall be guilty of an offence.

A person who fails to comply with the requirement of section 19(5B) of the Residential Tenancies Act 2004 shall be guilty of an offence.

The Residential Tenancies (Amendment) Act 2019 inserts a new Part 7A – Complaints, Investigations and Sanctions – into the Residential Tenancies Act 2004 to assist the RTB in its enforcement activity. Improper conduct by a landlord, as set out in Schedule 2 to the Residential Tenancies Act 2004, can result in the RTB imposing an administration sanction, valued to a maximum of €30,000.

Declaration of Landlord

I declare that all the information that I have given on this notice is correct.

Signature: **[To be signed by landlord]**

Date: **[Insert date that notice is signed]**

EXPLANATORY NOTE

(This note is not part of the Instrument and does not purport to be a legal interpretation.)

These Regulations amend the Residential Tenancies Act 2004 (Prescribed Form) Regulations 2019 (S.I. 287 of 2019) by replacing Schedule 2 to it with the Schedule to these Regulations.

Schedule 2 of the Residential Tenancies Act 2004 (Prescribed Form) Regulations 2019 (S.I. 287 of 2019) prescribes the notice to be served by a landlord on the Residential Tenancies Board (RTB) for the purposes of section 19(5B) of the Residential Tenancies Act 2004 (No. 27 of 2004) where a landlord seeks to rely on an exemption from the Rent Pressure Zone (RPZ) annual rent increase restriction in respect of a particular dwelling in an RPZ.

The Schedule to these Regulations updates Schedule 2 to reflect the amendment to section 19(5)(a) of the Residential Tenancies Act 2004 made by section 25(1)(b) the Local Government Rates and Other Matters Act 2019 – i.e. an exemption is provided from the RPZ annual rent increase restriction in respect of the rent first set under the tenancy of a dwelling that is in, or is, a protected structure or a proposed protected structure within the meaning of the Planning and Development Act 2000, provided that dwelling was not subject to a tenancy during the previous 12 months.

BAILE ÁTHA CLIATH
ARNA FHOILSIÚ AG OIFIG AN tSOLÁTHAIR
Le ceannach díreach ó
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